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Attorney General Has Authorized Scrutiny of Mail

NEWARK, N.J. July 4 (AP)—Attorney General Griffin B. Bell said he has personally authorized continued scrutiny of mail sent to some "foreign powers" and secret agents, despite a federal judge's ruling that the practice is unconstitutional.

Bell said in court papers filed Tuesday that "executive privilege" prevented the FBI and the Postal Service from complying with a court request that they make public any "mail covers" used to protect the national security.

U.S. District Court Judge Lawrence A. Whipple ruled in November that it is unconstitutional to permit the use of national security mail covers, which allow postal inspectors to note the return address and other information appearing on mail sent to suspect organizations or persons. The ruling did not affect criminal mail covers.

The Justice Department, however, conceded before Whipple last week that it had been continuing to use mail covers in foreign counterintelligence investigations to keep track of "hostile forces" operating against the United States.

After Whipple ordered a deposition from a postal official in Washington to "apprise this court of what's going on," Bell confirmed in court papers filed Tuesday that he personally had approved a number of mail covers since the judge's ruling.

Bell said disclosure of the "subject and purposes of the mail covers would reveal and thus prejudice current and continuing foreign counterintelligence investigations."

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